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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,707	08/08/2002	Masahiro Hasebe	086142-0532	1883

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FOLEY AND LARDNER
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EXAMINER

ROSENBERG, LAURA B

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,707

Applicant(s)

HASEBE, MASAHIRO

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-12 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because figure 3 shows the upper panel in its upright position, but the lower panel in an upside down position, making this figure confusing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 8 is objected to because of the following informalities: "passenger side air bag" (line 1) is confusing because it is difficult to determine if the air bag is a side air bag intended for a passenger in a vehicle, or if it is any air bag on the passenger side of the vehicle. The examiner suggests hyphenating some of the words or rephrasing this portion of the claim to emphasize the intended feature.

Claim 10 is objected to because of the following informalities: "an gas inlet" should be "a gas inlet" in line 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 6, and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitations "the upper side" in line 1, "the sides" in line 3, and "the bottom" in line 8; claim 8 recites the limitation "the passenger" in line 3; claim 11 recites the limitation "the mid panel" in lines 1-2. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 8-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (5,129,675). In regards to claim 1, Wang discloses an air bag (#18) comprising a rear section (#26, 42, 51) and a front section (#20, 22, 24, 28, 52, 54), a gas inlet (#32) disposed in the rear section (best seen in figure 4), and a connecting piece (#34, 36, 52, 54) located inside the air bag and connecting the front section to the rear section (best seen in figure 4). An outer shell of the air bag is formed by a rear panel (#26) having the gas inlet and a plurality of front panels (#20, 22, 24, 28)

connected to form the front section. An extending piece (#52, 54) extends from one of the front panels (#28) into the air bag, the extending piece (#52, 54) and the rear section (#26, 42, 51) being connected by a mid panel (#34), the connecting piece being formed by the extending piece and the mid panel (best seen in figure 4).

In regards to claim 8, Wang discloses a passenger-side air bag (#18) comprising a front section (#20, 22, 23, 28, 52, 54) including a pair of front panels (#20, 22, 24, 28, 52, 54) forming an exterior surface positioned to face a passenger when the air bag deploys (best seen in figures 1, 4), wherein one of the pair of front panels (#28) includes a rearward extending section (#52, 54) located inside the air bag and connecting the front section to a rear section (#26, 42, 51) and a seam joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figures 2, 3; some connecting seams not shown).

In regards to claim 9, Wang discloses the rear section (#26, 42, 51) including a rear panel (#26) and a mid panel (#34), the mid panel being connected to the rearward extending section (#52, 54) and the rear panel (best seen in figure 4).

In regards to claim 10, Wang discloses the mid panel (#34) including a gas inlet opening for receiving pressurized gas from a gas generator (column 3, lines 40-46).

In regards to claim 12, Wang discloses the front and rear sections of the air bag being connected together at a connecting seam that is positioned away from an exterior of the air bag so that the connecting seam cannot contact the passenger when the air bag deploys (best seen in figures 2, 3; some connecting seams not shown).

8. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Onishi et al. (5,358,273). In regards to claim 8, Onishi et al. disclose a passenger-side air bag (best seen in figures 4, 14) comprising a front section (right side of air bag in figure 4) including a pair of front panels (#2, portion of #1 including #6) forming an exterior surface positioned to face a passenger when the air bag deploys (best seen in figure 14), wherein one of the pair of front panels includes a rearward extending section (#4) located inside the air bag and connecting the front section to a rear section (#1 not including #6) and a seam (at #2d) joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figure 4).

In regards to claim 9, Onishi et al. disclose the rear section including a rear panel (#1 not including #6) and a mid panel (#5), the mid panel being connected to the rearward extending section (at #2b) and the rear panel (via #1b).

In regards to claim 10, Onishi et al. disclose the mid panel (#5) including a gas inlet opening for receiving pressurized gas from a gas generator (#11; #5 is a strap, thus allowing air flow on either side of the strap).

In regards to claim 11, Onishi et al. disclose the rearward extending section (#4) and a mid panel (#5) dividing the air bag into upper and lower chambers (portion above #4 is upper chamber and portion below #4 is lower chamber), and the rearward extending section includes an opening for allowing gas to pass between the chambers (#4 is a strap, thus allowing air flow on either side of the strap).

In regards to claim 12, Onishi et al. disclose the front and rear sections of the air bag being connected together at a connecting seam that is positioned away from an exterior of the air bag so that the connecting seam cannot contact the passenger when the air bag deploys (all connecting seams positioned away from the exterior as can be seen in figure 4).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (5,129,675) in view of Onishi et al. (5,358,273). In regards to claim 7, Wang discloses the panels (#20, 22, 24, 26, 28) being connected together by sewing (column 3, lines 14-16). Wang does not disclose the air bag being reversed through an unsewn portion of the rear panel. Onishi et al. teach an air bag with panels that are connected by sewing, the air bag being reversed through an unsewn portion of a rear panel (column 7, lines 45-50). It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag of Wang such that it comprised a reversing through an unsewn portion as claimed in view of the teachings of Onishi et al. so as to provide a simple and efficient process for manufacturing the air bag (Onishi et al.: column 2, line 64-column 3, line 8).

Allowable Subject Matter

11. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hawthorn et al., Birman, Lachat et al., Weir et al., Sinnhuber, Greib et al., Okada et al., Van Poppel, Kumagai et al., and Dunkle et al. disclose air bags with connecting pieces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/064,707
Art Unit: 3616

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Lama B. Rosentz

LBR

Eric Culbreth

ERIC CULBRETH
PRIMARY EXAMINER

10/14/03